

PUBLIC TESTIMONY OF LEROY GARDNER BEFORE THE JUDICIARY COMMITTEE
IN THE MATTER OF H.J. No. 50

My name is Leroy Gardner, I am from Norwich, CT. I am here today to present Public Testimony in regards to H.J. No. 50 (COMM) RESOLUTION CONFIRMING THE DECISION OF THE CLAIMS COMMISSIONER TO DENY THE CLAIMS AGAINST THE STATE OF LEROY GARDNER. (JUD).

My outstanding claim against the State of Connecticut is based upon a Wrongful Incarceration(of almost a year) in 2009', that I was subjected to by the Connecticut Department Of Corrections, as a result of improper conduct on behalf of officials in the State of Connecticut Parole/Probation Division who blatantly(and egregiously)disregared my Due Process Rights while I was out on Federal Parole.

Despite my not having been under any Direct Supervision by any State of Connecticut Parole\Probation Authorities for over 27 months since my Official Release on Parole from State Custody in 2007', nonetheless, in August of 2009',(again, some 27 months after having been "Out on the Streets" faithfully honoring my Federal Parole Conditions) it was I, who made Connecticut Parole Officials even aware of the fact of my being in Hartford, when I initiated a call to Mr. Rick Anderson, a Supervisor from the Hartford District-Parole/Probation Office..

Mr. Anderson, immediately directed me to come in to meet with him the following morning "to clear up" this apparent confusion about my Parole Status, or lack thereof. However, though, Mr. Anderson, in a blatant abuse of power, got annoyed at what he perceived as insubordination, perhaps, on my part, because I asked if I could be first allowed to attend a much-needed, and long sought after, important job interview, that had already been previously scheduled the next morning, at the Community Renewal Team in Hartford, with Mrs. Elizabeth Sheff, a Director there.

Judged by Mr. Anderson's annoyed tone with me on the phone the day of that initial call, and also evidenced by Mr. Anderson's subsequent actions the following day, whereby Mr. Anderson decided, instead, to send out the State Parole Fugitive Task Force to arrest me on a Parole Violate Warrant when I was coming from the interview at the Community Renewal Team, apparently, I had angered him. So therefore, Mr. Anderson, was acting in a Capricious and Arbitray Manner, by ordering this unnecessary arrest of me.

Additionally, beyond the fact that the Warrant, in and of itself, was invalvid, since any court within the state would most likely dismiss it,(which they ultimately did) in part, on the grounds that the state lost its right to jurisdiction over me by allowing 27 months to go by before serving this warrant. I furthermore feel Supervisor Anderson was acting maliciously, and being abusive, because he had this knowledge that the Court Process involved in getting me released from this Illegal Detainment would take at least up until a year to get this matter straightened out, and thus his spiteful intentions against me would have been realized.

However, more importantly, today, I am here to speak to the subsequent flawed process, where after 4 years now, I still having had any retribution taken against any State Officials involved in

this Miscarriage Of Justice, with those being individuals at the Parole Office, the Department of Corrections, and the Public Defender's Office whom refused to represent me in court, which delayed me in getting this matter before a Habeus Court Judge, again, further, unnecessarily causing me to spend more time illegally detained.

However, primarily, the cause of my not getting any justice or even any sort of monetary compensation, as that stipulated in **H.B. 1456 AN ACT CONCERNING COMPENSATION FOR THE WRONGFULLY INCARCERATED** something of which my search for justice has been reduced to, is due to the fact that the State Claims Commissioner's Office has not done, in my opinion, even a basic review of the merits of my case, but has rather "Rubber-Stamped" a DENIAL on it, leaving, you the Legislative Body, to give almost what has become a perfunctory upholding of the Claims Commissioner's Office's dubious ruling of DENIAL. Therefore, I am here today, to formally request that I be given another opportunity in the near future, by this committee, to present detailed and thorough documents, and Public Statements from Legal Professionals, and also Mental Health Experts, who are at this time, currently treating me still, for extensive PTSD trauma related to the abuse and mistreatment I received from Correctional Officers during that Wrongful Incarceration in 2009'.

LEROY GARDNER

Norwich, CT

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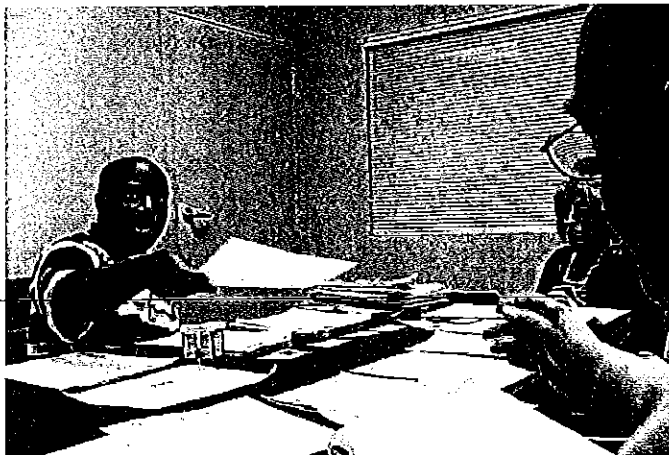
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LEROY GARDNER, left, talks to Peter G. Hughes and Susan Werboff of the state Office of Protection and Advocacy for Persons With Disabilities in Hartford. Gardner, an ex-convict released Friday, is seeking assistance in housing as well as counseling. (RICK HARTFORD / HARTFORD COURANT / May 12, 2009)

Stan Simpson
May 13, 2009

It could have worked out so much worse for Leroy James Gardner.

The 44-year-old ex-offender was released by the federal government Friday with only his brown prison outfit on his back, no money in his pocket, no referrals for housing or counseling — and without his anxiety medication.

Stan Simpson



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Kicked to the curb on Main Street in Hartford, steps from the federal courthouse that freed him, Gardner decided his only recourse was to walk to the Capitol and personally ask the governor for help.

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When a security guard there told him that wasn't happening, Gardner decided to seek out judiciary committee Co-Chairman Michael Lawlor. The East Haven state representative was attending a legislative hearing on the death penalty that day. Folks from the state's correction, parole and probation divisions also happened to be in attendance.

"I said, 'Mr. Lawlor, I need your help. I was just released from prison. I don't have any money in my pocket. I don't have anywhere to stay. Help me,'" Gardner said. "He was, like, dumbfounded and said, 'What can we do for you?'"

Lawlor, reached Tuesday, seemed amused as he recalled the meeting. "He had a very good sense of timing, I tell you that," Lawlor said. "Someone told me there was a guy waiting outside for me in prison inmate garb with a box that said 'Gardner' on it."

A little leery about the visit from the bald, athletically built man fresh out the joint, Lawlor asked some of the correction people to walk out with him.

Where earlier Gardner had no assistance, now he was full bore into

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a mother lode of help — correction, probation and parole people.

Embarrassed by Gardner's appearance at the regal state office in front of the chairman of the judiciary of all people, they double-timed it in getting him a bed at the Open Hearth homeless shelter.

But it's not just housing that Gardner needs. The convicted bank robber, thief and recovering drug addict wants to rebuild his life — one he believes went downhill after he was sexually molested by a relative as a young boy in New Haven. Gardner also needs counseling and a job.

His story is fascinating; his life perpetually unstable. At a time when the federal government is investing more than \$100 million in prison re-entry programs, Gardner's situation reveals the biggest flaw in re-entry legislation: There are no supervised programs or services for inmates who leave prison with no pending parole or probation. These so-called "end-of-sentence" inmates, correction authorities say, are at the highest risk to re-offend. Yet, there's no meaningful

aftercare for them.

"That is the population with the greatest need. And it's a fairly large population," said Maureen Price-Boreland, executive director of the Community Partners in Action program, which works to re-integrate ex-offenders into society.

At least 30 percent of Connecticut's 19,000 inmates are released with no parole or probation. And although Gardner was released by the feds, and not the state, had he been in state custody, Gardner would have been left to fend for himself as well.

"My self-destructive nature wasn't controlling me this time," said Gardner, whose drug of choice was crack. "I didn't go out and get smashed or get high. No, I want to make it. I want to get it right this time. I just need a chance. I got a lot of marketable skills, man. I have a lot to offer. I'm bilingual and extremely fluent in both (English and Spanish). I'm highly computer-literate. I have excellent typing skills. I'm professional. I'm well-spoken."

The self-described "notorious jailhouse lawyer" also has been a habitual screw-up.

But guys who are labeled incorrigible sometimes want to get it right. Their circumstances, environment and lack of opportunity, however, lead them to revert to familiar form.

Sixty days before state prisoners are released on parole or probation, a case worker sits down with them and maps out an assessment and game plan for what they need — housing, job training, substance-abuse counseling, mental health issues, etc., said Bill Carbone, executive director of the judicial branch's court support services, which oversees the state's probation services.

A case manager then works with the ex-offender through re-entry to make sure the game plan is carried out. A similar program and follow-up needs to be established for state and federal inmates released with no probation or parole. Scott Chin, chief United States probation officer, did not return calls for comment Tuesday.

Just imagine the headlines if Gardner had walked to the governor's office in prison garb, but with bad intentions — and did something stupid.

Of course, if that did happen, within weeks you'd see new laws providing re-entry programs for inmates released free and clear from federal and state pens.

"At the end of the day, it's really about public safety, because you could almost guarantee that someone's going to re-offend if you set it up like this," Lawlor said of Gardner's haphazard release.

The other unnerving thing about Gardner's story is that he should never have been imprisoned last August for violating parole. He was under dual jurisdiction — the feds and the state — but had been reporting solely to the feds for the previous 27 months. The feds and the state didn't communicate, so the state thought Gardner was AWOL.

The state later conceded that it messed up, Lawlor said. So, here was a guy diligently looking for work when I first met him last summer. He gets re-imprisoned wrongfully — then, when he's ultimately transferred to the feds again, gets unceremoniously dumped onto the streets.

Tomorrow, I'm going to be the master of ceremonies at an Overcomer's Breakfast at the downtown convention center. It's a yearly event run by Open Hearth to motivate those who are down, but not yet out.

They should set a plate for Leroy Gardner.

•Stan Simpson's column appears on Wednesdays and Saturdays. Read his blog at courant.com/stan.

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